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Plaintiff Shary Everett

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SHARY EVERETT, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

MCI, INC., a Delaware Corporation,

Defendant.

In re:
WORLDCOM, INC., *et al.*,

Debtors.

Adversary Proceeding

No. 07-01792-AJG

Chapter 11

Case No. 02-13533-AJG

(Jointly Administered)

**DECLARATION OF A. J. De BARTOLOMEO IN SUPPORT OF
MOTION TO WITHDRAW THE REFERENCE**

I, A. J. De Bartolomeo, declare as follows:

1. I am a member in good standing of the State Bar of California and have applied to appear *pro hac vice* before this Court. I am a partner of the law firm of Girard Gibbs LLP, counsel for plaintiff Shary Everett in the above-captioned action. I make this declaration in support of plaintiff's Motion To Withdraw The Reference. I have personal knowledge of the facts stated herein and, if called on to do so, could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of the Class Action Complaint filed in this action in the United States District Court for the District of Arizona on July 18, 2005.

3. Attached hereto as Exhibit B is a string of internal MCI emails, dated April 1-3, 2002, which is available as a matter of public record.

4. Attached hereto as Exhibit C is a true and correct copy of an internal MCI document entitled "Business Case Write-Up," which is available as a matter of public record.

5. Attached hereto as Exhibit D is an internal MCI email from Joyce Dorris, dated March 28, 2002, which is available as a matter of public record.

6. Attached hereto as Exhibit E is a true and correct copy of an internal MCI document entitled "\$1.50 BOC Billing Fee and \$3 Minimum for Dial 1 No Plan," dated March 22, 2002, which is available as a matter of public record.

7. Attached hereto as Exhibit F is a true and correct copy of the California Public Utilities Commission's ("CPUC") Investigative Report of MCI.

8. Attached hereto as Exhibit G is a true and correct copy of an untitled internal MCI memorandum referencing "Subject: 05/30 Flashes – CONS CS: Dial One Minimum," which is available as a matter of public record.

9. Attached hereto as Exhibit H is a true and correct copy of the CPUC Order Instituting Investigation Into The Operations Of MCI, WorldCom, Or MCI WorldCom And Order To Show Cause And Notice Of Opportunity For Hearing, filed at the California Public Utilities Commission, April 21, 2005, San Francisco, Case No.05-04-018.

20. Attached hereto as Exhibit S is a true and correct copy of Defendant's Supplemental Responses To interrogatories 1-4 And 10-12 Of Plaintiff's First Set Of Interrogatories, served in this action by MCI on April 13, 2007.

21. Attached hereto as Exhibit T is a true and correct copy of the Declaration Of Candace Bentley In Opposition To Motion To Dismiss Class Action Complaint, filed by Plaintiff in this action on October 31, 2005.

22. Attached hereto as Exhibit U is a true and correct copy of a [Proposed] First Amended Class Action Complaint, which has yet to be filed in this action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 24 the day of October, 2007, at San Francisco, California.



A. J. De Bartolomeo